

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : AFFIRMATION

- v. - : 08 Mag. 0798

ELIOT VILLAR, :
a/k/a "Jesus Diaz," :

Defendant. :

- - - - - x

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

DANIEL S. GOLDMAN, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to Title 18, United States Code, Section 3161(h) (8) (A).

2. The defendant was charged in a Complaint dated April 10, 2008, with violations of Title 18, United States Code, Sections 1343, 1029(a), 1028A, and 2. The defendant was arrested on April 20, 2008, was presented in this District before Magistrate Judge Douglas F. Eaton on April 21, 2008, and then again on April 25, 2008, and was released upon the following conditions: a \$200,000 personal recognizance bond secured by

\$10,000 in cash and co-signed by four financially responsible persons; home detention and electronic monitoring at the defendant's parents' house; that the defendant surrender all travel documents and make no new applications; that the defendant's travel be restricted to the Southern and Eastern Districts of New York; and that the defendant be subject to strict pre-trial supervision.

3. At the initial presentment in this District on April 21, 2008, defense counsel consented to a waiver of the defendant's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 30 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially had until May 20, 2008, within which to file an indictment or information.

4. Defense counsel for ELIOT VILLAR, a/k/a "Jesus Diaz," and I have had discussions regarding a possible disposition of this case, and have agreed that those discussions will continue, but this matter will not be resolved before the deadline under the Speedy Trial Act expires on May 20, 2008.

5. Therefore, the Government is requesting a 30-day continuance until June 19, 2008, to continue the foregoing discussions in an effort to reach a disposition of this matter. Roy Kulcsar, Esq., counsel for the defendant, has consented to this request.

6. For the reasons stated above, the ends of justice

served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

I declare under penalties of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Dated: New York, New York
May 20, 2008

/S/

DANIEL S. GOLDMAN
Assistant United States Attorney